

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID A. KADLEC,

Defendant.

Case No. 97-CR-98-10-JPS

ORDER

On September 7, 2022, the Court ordered Defendant to submit a filing within 30 days explaining whether ECF No. 2305, his renewed motion for compassionate release, filed pro se, is intended to be a standalone motion for compassionate release, or a supplement to Defendant's prior motion for compassionate release, which the Court denied without prejudice for failure to exhaust. ECF No. 2306. Specifically, if it is the latter, the Court ordered Defendant to re-file the motion with all of its component parts in one document within 30 days. *Id.* If it is the former, Defendant was ordered to so inform the Court within 30 days. *Id.* With either filing, the Court ordered Defendant to include proof of his administrative exhaustion so that the Court may satisfy itself that the defects present in the earlier motion have been resolved. *Id.*

Once the Court receives Defendant's filing, the Court further noted, it would consider Defendant's motion to appoint new counsel in lieu of his current counsel, Attorney Kathleen Quinn, *id.*; if the Court determines that new counsel is appropriate, it will order such new counsel to file a supplement to the motion on Defendant's behalf.

On September 10, 2022, Attorney Quinn filed a motion for leave to send ECF No. 2275, the Government's sealed response to Defendant's prior motion for compassionate release, to Defendant and his friend and advocate, Andrew Geltzer. ECF No. 2307. Attorney Quinn represents that reviewing the response will allow Defendant, with the aid of Mr. Geltzer, to make an informed decision regarding how to respond to the Court's September 7, 2022 order. *Id.* at 3. The Government has informed the Court that it conferred with Attorney Quinn and does not oppose the motion. Consequently, the Court will grant the motion. Attorney Quinn may send a copy of ECF No. 2275, the Government's sealed response to Defendant's prior motion for compassionate release, as well as any of the five attachments thereto that she deems necessary, to Defendant and Mr. Geltzer.

Given Attorney Quinn's filing and apparent communication with Defendant, the Court will further order Defendant to include with the filing that the Court described in its September 7, 2022 order, ECF No. 2306, a statement as to whether Defendant still seeks new counsel in lieu of Attorney Quinn. The Court will vacate the previously set 30-day deadline for Defendant to submit his filing. Defendant may submit his filing in accordance with this Order and the Court's September 7, 2022 order, ECF No. 2306, when he is ready to proceed, without concern for any timeline.

Accordingly,

IT IS ORDERED that Defendant's motion, ECF No. 2307, filed through Attorney Kathleen Quinn, for leave for Attorney Quinn to send Defendant and Andrew Geltzer a copy of ECF No. 2275, the Government's sealed response to Defendant's prior motion for compassionate release, be and the same is hereby **GRANTED**; Attorney Quinn is **DIRECTED** to send

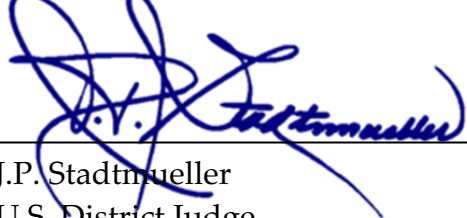
a copy of ECF No. 2275, as well as any of the five attachments thereto that she deems necessary, to Defendant and Mr. Geltzer;

IT IS FURTHER ORDERED that Defendant include with the filing the Court described in its September 7, 2022 order, ECF No. 2306, a statement as to whether Defendant still seeks new counsel in lieu of Attorney Quinn; and

IT IS FURTHER ORDERED that the 30-day deadline set in the Court's September 7, 2022 order, ECF No. 2306, be and the same is hereby **VACATED**; Defendant may submit his filing in accordance with this Order and the Court's September 7, 2022 order, ECF No. 2306, when he is ready to proceed.

Dated at Milwaukee, Wisconsin, this 13th day of September, 2022.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge